

**MEMO ENDORSED**

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April 3, 2023

Via ECF and Electronic Mail

Honorable Valerie Caproni, U.S.D.J.  
 United States District Court  
 Southern District of New York  
 40 Foley Square, Room 240  
 New York, NY 10007  
 (212) 805-6350  
 CaproniNYSDChambers@nysd.uscourts.gov

Re: *Eliav v. Roosevelt Island Operating Corporation, et al.*  
 Case No: 22-cv-9978 (VEC)

Dear Judge Caproni:

I hope that all is well with you and yours. We represent the Claimant, Arthur Eliav, in connection with the above-referenced claim. We write today in conjunction with counsel for Defendants. As an initial matter, counsel jointly apologize for the timing of this communication and for any inconvenience caused by their confusion concerning any prior orders of the Court.

In addition, we write in connection with the upcoming Initial Conference currently scheduled for Friday, April 7, 2023 at 10:00 a.m. As the Court is aware, Defendants have filed a Motion to Dismiss Plaintiff's Complaint and have filed an Answer and Counter-claim. Pursuant to the Court's Order of March 16, 2023 (Dkt #26), Plaintiff has until April 7, 2023 to respond to Defendant's motion or to file an amended complaint and until April 7, 2023 to respond to Defendants' Counter-claim. Plaintiff intends to file an amended complaint and to file a motion to dismiss Defendant's Counter-claim. In addition, as the Court is also aware, Passover commences this Wednesday evening.

In light of the same, the Parties respectfully request that the Court:

1. Grant Plaintiff a three-day extension (from Friday, April 3, 2023, to Monday, April 10, 2023) to file his Amended Complaint and Motion to Dismiss the Defendant's Counter-claim;
2. Grant Defendants' 30 days (until May 3, 2023) to answer or move to dismiss Plaintiff's Amended Complaint;
3. Grant Defendants' 30 days (until May 3, 2023) to amend their Counter-Claim or respond to Plaintiff's Motion to Dismiss;
4. Grant Plaintiff 21 days (until May 24, 2023) to respond to Defendants' Motion to Dismiss his Amended Complaint (if such a motion is filed) and Defendants 14 days (until to June 7, 2023) to reply, if necessary;
5. Grant Plaintiff 21 days (until May 24, 2023) to respond to Defendants' Amended Counter-claim or to reply to Defendants' response to Plaintiff's Motion to Dismiss Defendants' Counter-claim.

Based on the foregoing, and soon to be, pending motions as well as in the interests of judicial economy, it is respectfully requested that the Initial Conference currently scheduled for Friday, April 7, 2023, be adjourned and that the Court So Order the proposed briefing schedules above.

As always, if you have any questions about these, or any other, matters, please do not hesitate to contact this office at any time.

Thank you for your time, attention, and courtesies in this regard.

Respectfully submitted,

*Ethan Leonard*

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Application GRANTED. The Initial Pretrial Conference scheduled for April 7, 2023, is hereby ADJOURNED *sine die*. Plaintiff's deadline to respond to Defendants' Motion to Dismiss and Counterclaim is adjourned to **April 10, 2023**. If Plaintiff amends the complaint, Defendant's deadline to respond to the amended complaint is due no later than **May 3, 2023**. If Defendants move to dismiss the anticipated amended complaint, Plaintiff's deadline to oppose is **May 24, 2023**; Defendants' reply will be due **June 7, 2023**.

If Plaintiff moves to dismiss the Counterclaim, Defendants' deadline to amend or oppose is **May 3, 2023**. Plaintiff's deadline to respond to either an amended counterclaim or opposition is **May 24, 2023**.

SO ORDERED.



Date: 4/3/2023

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE